

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) Case No. 1:06-CR-38
v.)
) Chief Judge Curtis L. Collier
EDWARD A. BIBBINS,)
)
Defendant.)

ORDER

The United States Court of Appeals for the Sixth Circuit remanded this case to the Court, vacating the judgment and remanding with instructions to dismiss the indictment because Defendant had died (Court File No. 37). “When a criminal defendant dies while his direct appeal is pending, the case abates and the action must be remanded to the district court for dismissal of the indictment.”

United States v. Perry, 100 F. App’x 540, 540 (6th Cir. 2004) (unpublished order) (citing *United States v. Wilcox*, 783 F.2d 44 (6th Cir. 1986) (order); *United States v. Toney*, 527 F.2d 716, 720 (6th Cir. 1975)). Accordingly, the Court **DISMISSES** the indictment (Court File No. 1).

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE